

**GOVERNMENT OF INDIA
DEFENCE
LOK SABHA**

UNSTARRED QUESTION NO:1776
ANSWERED ON:30.11.2000
CASES AGAINST DEFENCE PERSONNEL
MOHAMMED SHAHABUDDIN

Will the Minister of DEFENCE be pleased to state:

- (a) the number of soldiers/officers court martialled by the Army for misuse of their powers and duties during the last three years;
- (b) the number of complaints received by the Army, the number of soldiers/officers found guilty and the number of complaints found baseless during the said period;
- (c) whether the Government have received any suggestion from the National Human Rights Commission to amend the procedure being adopted for hearing of such cases;
- (d) if so, the details thereof and the reaction of the Government thereto; and
- (e) the concrete steps taken by the Government to prevent such incidents? ANSWER

Answer

MINISTER OF DEFENCE

(SHRI GEORGE FERNANDES)

(a) to (e): A statement is attached.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) F LOK SABHA UNSTARRED QUESTION NO. 1776 FC
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During the three year period between January, 1997 to December, 1999, the total number of complaints, received by the Army Headquarters on human rights violations, allegedly committed by the Army personnel is 593. While the number of complaints, found baseless was 561; 26 complaints were found to be true, and 6 complaints are still under investigation. Total number of convictions on account of human rights violation by way of Court Martial is 38 and through Administrative Action, 5.

National Human Rights Commission, in their Annual Report for the year 1996-97, had observed that the Commission be allowed to observe the proceedings, when Army enquiries into allegations of human rights violation are in progress. However, the Government is of the opinion that since the cases of alleged human rights violations are being investigated expeditiously and appropriate disciplinary action taken against those, found guilty, there is no need to amend the existing procedure.

Besides awarding exemplary punishments to those found guilty of human rights violation, all ranks are regularly sensitized on the human rights aspects. A formal, standardised Operating Procedure has also been formulated for the conduct of the counter-insurgency operations to minimise inconvenience to the civilians.